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6 Attorney for Kevan David Hoover

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,  
10 Plaintiff,  
11 v.  
12 KEVAN DAVID HOOVER,  
13 Defendant.

Case No. 2:22-mj-00324-DJA-1

**ORDER TO CONTINUE  
BENCH TRIAL**

15 IT IS HEREBY STIPULATED AND AGREED, by and Between Jason M. Frierson,  
16 United States Attorney, and Christopher Burton, Assistant United States Attorney, counsel for  
17 the United States of America, and Rene L. Valladares, Federal Public Defender, and Navid  
18 Afshar, Assistant Federal Public Defender, counsel for Kevan David Hoover, that the bench  
19 trial currently scheduled on April 12, 2023, be vacated and continued to a date and time  
20 convenient to the Court, but no sooner than forty-five (45) days.

21 This Stipulation is entered into for the following reasons:

- 22 1. Counsel needs time to conduct specific investigation related to client's  
23 concern.  
24 2. The defendant is not incarcerated and does not object to the continuance.  
25 3. Additionally, denial of this request for continuance could result in a  
26 miscarriage of justice. The additional time requested by this Stipulation is

1                   excludable in computing the time within which the trial herein must commence  
2                   pursuant to the Speedy Trial Act, Title 18, United States Code, Section  
3                   3161(h)(7)(A), considering the factors under Title 18, United States Code §  
4                   3161(h)(7)(B)(iv).

- 5           4.       The parties are asking for 45 days because counsel for the government will be  
6                   out of the jurisdiction May 8 – 19, 2023 and counsel for the defendant has a  
7                   jury trial that is proceeding May 8, 2023.

8           This is the second request for a continuance of the bench trial.

9           DATED this 7<sup>th</sup> day of April, 2023.

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11       RENE L. VALLADARES  
12       Federal Public Defender

          JASON M. FRIERSON  
          United States Attorney

13       By /s/ Navid Afshar  
14       NAVID AFSHAR  
15       Assistant Federal Public Defender

          By /s/ Christopher Burton  
          CHRISTOPHER BUTON  
          Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVAN DAVID HOOVER,

Defendant.

Case No. 2:22-mj-00324-DJA-1

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel needs time to conduct specific investigation related to client's concern.
2. The defendant is not incarcerated and does not object to the continuance.
3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).
4. The parties are asking for 45 days because counsel for the government will be out of the jurisdiction May 8 – 19, 2023 and counsel for the defendant has a jury trial that is proceeding May 8, 2023.

This is the second request for a continuance of the bench trial.

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

**ORDER**

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, April 12, 2023, at 9:00 a.m., be vacated and continued to June 21, 2023, at 9:00 a.m., Courtroom 3A.

DATED this 10th day of April, 2023.



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DANIEL J. ALBREGTS  
United States Magistrate Judge